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LITIGATION AND COLLECTIONS USING 7 U.S.C. 499 et seq. **PERISHABLE AGRICULTURAL COMMODITIES ACT**

By George F. Braun, Esq.

This article is designed to provide a history, background and examples for the collection's litigator to assist in understanding of litigation in the Agricultural Produce Industry.

Program Description

The Speaker will address an area of law unfamiliar to most Collections and Bankruptcy Attorney's with examples of litigation in the past and the upcoming U.S. Supreme Court Case.

1. Introduction and History of the Perishable Agricultural Commodities Act 7 U.S.C. 499

- A. History Why was this law created?
- B. Congress weighs in
- C. USDA adds a new licensing procedure for Fresh Produce
- D. Definitions "Ketchup as a Vegetable"
- E. How the Produce Market Works: Hunt's Point to Los Angeles
- F. Families
- G. Taxing Authority

Administrative Remedies and PACA Trust

- H. Grounds for Suspension and other Administrative Remedies
- I. Federal Courts: Injunctions applications, and other laws under the Interstate Commerce Commission
- J. Violations; Report to Attorney General; proceedings; costs
- K. Inspections of Agricultural Commodities(secondary inspections when needed)
(Charitable Giving to as a Tax Break-Can take the sting out of a bad situation)
- L. Rules Regulations and Orders: Be friends with the USDA Inspectors:
You will need them!
- M. Liability of Licenses for acts and omissions of agents. Bonds?
- N. Reparations Proceedings
- O. Bankruptcy Court: Super Creditor Status
- P. Disciplinary Proceedings: Is this the outcome that you want?!

Using the State Courts and the Importance of the Proper Invoice

- Q. Invoicing and New Invoicing to fix a problem.
- R. PACA in the State Courts
- S. Small Town: Working in Agri-Business “We could use some Help!”
- T. Unfair Conduct: Administrative or Litigation?!
- U. War stories of Cases over the Years

The Future of PACA

- V. 11th U.S. Circuit Court of Appeals: Spring Vallery Produce v. Central Market of Florida
Could be First Case to go to the U.S. Supreme Court

- W Questions and Answers